

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 1692

PERMIT 1053

LICENSE 2184

ORDER ALLOWING CHANGE IN PURPOSE OF USE AND AMENDING THE LICENSE

WHEREAS:

1. License 2184 was issued to El Dorado Irrigation District and was filed with the County Recorder of El Dorado County on March 15, 1941.
2. A petition for change in purpose of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
3. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. For dismissal of the protest by Department of Fish and Game, licensee and protestant have agreed to the inclusion of three (3) special conditions to the Order.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under this license shall be as follows:
Irrigation and incidental hydroelectric power generation
2. The following three (3) conditions are added to the license:
 - (1.) Permittee shall conduct a post-project monitoring study to collect dissolved oxygen levels and water temperatures of the water leaving the powerhouse and to determine its impacts to Weber Creek below the powerhouse. Measurements shall be taken at any point across the powerhouse tailrace and in Weber Creek 100 feet downstream from the confluence of the powerhouse tailrace. Measurements shall be taken during April 1 through October 31 of each year, and shall be taken twice a week during the first year after which the Department of Fish and Game will determine if the data collection can be reduced to once a week.
 - (2.) In the fall of the year, prior to SOFAR Project (Water Applications 26375 and 26376) starting operations, permittee shall install on the reservoir outlet a fish screen acceptable to the Department of Fish and Game. Said screen shall be properly operated and maintained by the permittee.

- (3.) "The bypass pipe which carries the water around the turbine during maintenance or shutdown shall have a synchronous valve installed prior to the startup of the SOFAR Project. This valve and bypass pipe shall be capable of passing a minimum of 11 cubic feet per second. In other than dry years, a maximum of 75 cubic feet per second shall not be exceeded upstream of the Camino Conduit turnout and a maximum of 90 cubic feet per second shall not be exceeded below that same turnout. A dry year shall be defined as any water year, which is the period from October 1 of one year through September 30 of the succeeding year, in which the South Fork American River inflow to Folsom Reservoir, as forecast by the California Department of Water Resources (Department) on April 1 of the water years in question, or as subsequently updated by the Department on the following May 1, will not exceed 50 percent of the average then in use by the Department".

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"For the protection of fish, permittee shall operate project facilities so that water temperature on North Fork Weber Creek from the confluence with Weber Creek upstream to the Park Creek Conduit turnout shall not exceed a maximum at all times of 23°C; except that, during the period June 15 to September 15 of each year, 20°C shall not be exceeded, for more than three (3) consecutive days."

Dated: AUGUST 14 1984

for *L. O. Johnson*
Raymond Walsh, Chief
Division of Water Rights



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2184

PERMIT 1053

APPLICATION 1692

THIS IS TO CERTIFY, That **El Dorado Irrigation District**
Placerville, California

made proof to the satisfaction of the Division
of Water Resources of California of a right to the use of the waters of **North Fork of Webber Creek in**
El Dorado County
tributary of **South Fork of American River via Webber Creek**

for the purpose of **irrigation use**
under Permit **1053** of the Division of Water Resources and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources
and the terms of the said permit; that the priority of the right herein confirmed dates from
February 27, 1920;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **eleven hundred twenty five**

(1125) acre feet per annum by storage to be collected from about October 15 to
about May 15 of each season.

The point of diversion of such water is located **North twenty seven degrees thirty two**
minutes East (N. 27° 32' E.) fifteen hundred ninety five (1595) feet from the
South one-quarter corner of Section 18, T. 10 N., R. 12 E., M.D.B. & M., being
within the NW¼ of SE¼ of said Section 18.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within the boundaries of the **El Dorado Irrigation District** comprising
30,702 acres as shown on map filed with the Division of Water Resources,
April 8, 1927.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Division of Water Resources in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of
diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that at any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *provided, further*, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public

Works of the State of California, this 1st
day of March 1941

EDWARD HYATT

State Engineer

By Harold Conkling
Deputy



2184

LICENSE

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO
El Dorado Irrigation Dist.

DATED
March 1, 1941

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